

STATE OF MAINE
BOARD OF FUNERAL SERVICE

Minutes of May 13, 2014 Board Meeting

Members Present: Robert Barnes, Chair; Brian Mays, Bethel Shields, Chad Poitras, Hervey Clay, John Brennan and Kenneth R.L. Finley

Others Present: Torrey Gray, Board Administrator; Ronald Guay, AAG; Dottie Perry, Investigator; and Merica Tripp.

Members Absent:

CALL TO ORDER

Robert Barnes, Chair, called the meeting to order at 9:19 a.m.

OLD BUSINESS

APPROVAL OF MINUTES

In a motion by John Brennan and seconded by Kenneth R. L. Finley, the minutes from the January 14, 2014 meeting were approved as written.

Vote: 7 in favor

NEW BUSINESS

COMPLAINT PRESENTATION(S)

2012-FUN-8529

A complaint was filed against a licensed funeral practitioner alleging improper handling of remains.

After review and discussion, a motion was made by Brian Mays to set the matter for hearing. The motion was seconded by Bethel Shields.

Vote: 7 in favor

2012-FUN-8471

A complaint was filed against a licensed funeral practitioner alleging unprofessional conduct including, but not limited to, improper handling of remains and failure to inform.

After review and discussion, a motion was made by Kenneth R.L. Finley to set the matter for hearing. The motion was seconded by Chad Poitras.

Vote: 7 in favor

2013-FUN-9258

A complaint was filed against a licensed funeral practitioner alleging aiding and abetting of unlicensed practice.

After review and discussion, a motion was made by Kenneth R.L. Finley to offer a consent agreement to include an admission, a formal warning and a fine in the amount of \$250.00. The motion was seconded by Hervey Clay.

Vote: 4 in favor (3 recused – Robert Barnes, Chad Poitras and Brian Mays)

2013-FUN-9626

A complaint was filed against a licensed funeral practitioner alleging financial improprieties.

After review and discussion, a motion was made by Kenneth R. L. Finley to dismiss the complaint. The motion was seconded by Hervey Clay.

Vote: 6 in favor (1 recused – Chad Poitras)

2012-FUN-9890

A complaint was filed against a licensed funeral practitioner alleging unprofessional conduct.

After review and discussion, a motion was made by Kenneth R.L. Finley to dismiss the complaint. The motion was seconded by Chad Poitras.

Vote: 7 in favor

2012-FUN-9886

A complaint was filed against a licensed funeral practitioner alleging unprofessional conduct including, but not limited to, aiding & abetting unlicensed practice.

After review and discussion, a motion was made by Kenneth R.L. Finley to offer a consent agreement to include a formal warning and a fine in the amount of \$500.00. The motion was seconded by Chad Poitras.

Vote: 7 in favor

A motion was made by Chad Poitras to set the matter for hearing regarding the issues regarding supervision identified within the complaint materials. The motion was seconded by Kenneth R.L. Finley

Vote: 7 in favor

RENEWAL APPLICATION

Mark Riposta

Mr. Riposta filed a renewal application for licensure as a practitioner of funeral service and answered “yes” to the question “Since your last renewal, have you been convicted of a crime” and disclosed a January 10, 2014 conviction of Operating Under the Influence.

After review and discussion, a motion was made by Kenneth R.L. Finley to preliminarily deny the application and offer a consent agreement to include an admission and probation to include the prohibition of transporting human remains for a period of one (1) year. Further, as a result of the licensee’s failure to report the conviction within ten (10) days pursuant to 10 M.R.S. §8003-G(2), the consent agreement is to also include a formal warning and a fine in the amount of \$250.00. The motion was seconded by Bethel Shields.

Vote: 4 in favor (3 recused – Robert Barnes, Chad Poitras and Brian Mays)

APPLICATION REVIEW(S)

Jojo Oliphant

On June 24, 2013, Mr. Oliphant submitted an application for licensure. On this application for licensure he answered “yes” to the question “Have you ever been convicted by any court of any crime?” and disclosed an August 26, 1999 criminal conviction. However, on a previous application for licensure dated February 15, 2011, Mr. Oliphant had failed to disclose this conviction. Further, in subsequent documents submitted to the Board, it was revealed that Mr. Oliphant had been performing activities that require licensure as a funeral attendant beyond his expiration date of February 29, 2012.

After review and discussion, a motion was made by Kenneth R.L. Finley to preliminarily deny the application for violation of 10 M.R.S. §8003(5-A)(A)(1) and 10 M.R.S. §8003(5-A)(A)(6) and to offer a consent agreement to include an admission and a fine in the amount of \$250.00 for each violation. The license will be issued upon receipt of the signed consent agreement. The motion was seconded by Bethel Shields.

Vote: 4 in favor (3 recused – Robert Barnes, Chad Poitras and Brian Mays)

Leon Roberts *dba* Knowlton & Hewins Inc.

Leon C. Roberts filed an application for licensure for Knowlton & Hewins Inc., a funeral establishment located at 1 Church Street in Augusta, Maine on May 8, 2014. The licensee admitted that the establishment continued to operate after the license expired on February 29, 2012, a violation of 10 M.R.S. §8003(5-A)(A)(7).

After review and discussion, a motion was made by Kenneth R.L. Finley to preliminarily deny the application and offer a consent agreement to include an admission, a formal warning, renewal fees in the amount of \$460.00 and a fine in the amount of \$1500.00. The renewal will be granted upon receipt of the signed consent agreement. The motion was seconded by Bethel Shields.

Vote: 7 in favor

Apprenticeship Council

Joan Dolan and Gloria Payne presented information regarding the Maine Apprenticeship Program.

OTHER BUSINESS

CHAIR'S REPORT

Nothing to report.

ADMINISTRATOR'S REPORT

Nothing to report.

ADJOURN

There being no further business, in a motion by Kenneth R.L. Finley and seconded by Bethel Shields, the Board voted unanimously to adjourn at 12:30 p.m.